

## REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

- 5           Claim 22 has been restored to its status prior to the final rejection of April 29, 2003 so that  $R_3$  is  $-\text{CH}_2\text{Ar}_1$ . Previously, Applicant had inadvertently deleted  $\text{Ar}_1$ . The foregoing amendment serves to overcome the new matter rejection.

- The variable  $R_5$  has now been added to the specification at page 4, after line 11 and to the structural formula at page 1. The variable  $R_5$  is supported at page 1, line 24 and in the structural  
10   formula at pg. 1 lines 2-5 of the published PCT Application, PCT/EP99/05459. (The variable  $R_5$  was inadvertently omitted from the amended PCT application.)

Applicants have amended page 4, line 12 so that the Markush expression with respect to the variable  $R_4$  is now clear and accurate, and the second member is now correctly identified as  $-\text{N}(\text{R}_{11})\text{CO}(\text{CH}_2)_h\text{R}_{12}$ .

- 15           Applicants have further amended claim 21 so that the definition of  $R_4$  is now accurate. Further, the incorrect inclusion of  $-\text{N}(\text{R}_{11})\text{CO}(\text{CH}_2)_h\text{R}_{12}$  has been deleted at claim 21, line 13 and the incorrect inclusion of  $-\text{COR}_{13}$  has been deleted at line 19. In addition in claim 21, at page 7, lines 13 and 20, "where" has been deleted.

- With respect to item b) in the Advisory Action of October 29, 2003, 4-aminosulfonyl and  
20   cyclohexan-1-yl- have been cancelled from claim 21.

Also with respect to item b) of the October 29, 2003 Action, the Examiner has raised the issue of new matter with regard to the moiety where  $\text{R}_{12}$  is  $\text{C}_{1-3}$  alkyl. It is respectfully submitted that  $\text{C}_{1-3}$  alkyl is not new matter. It would appear that the Examiner is reading this moiety as being a definition of  $\text{R}_{12}$ , while it is actually a substituent of the "N-atom of piperazine", which is, in turn, one of the

definitions of R<sub>12</sub>. This is abundantly clear from claim 1 of the published PCT Application and from the specification as a whole. Since C<sub>1-3</sub> alkyl is not new matter, the rejection should be withdrawn.

With respect to the Office Action of February 18, 2004, at page 4, line 22 of the specification, R<sub>12</sub> has been amended by deleting the phrase "a member selected from the group consisting of". In line 5 with the foregoing, the same phrase has been deleted from claim 21, line 16 at page 7.

Independent subgeneric claim 34 has been added. Support for R<sub>12</sub> is found at page 7, lines 25-29 of the specification as published.

Claim 35, which depends from claim 34, has been added. It is supported at page 9, species xlv) and xlv).

10 With reference to item a) of the Advisory Action of October 29, 2003, it is now believed that the amendment to the specification at page 4, line 12 provides an accurate and complete direction with regard to the amendment.

With respect to item b) of the Advisory Action of October 29, 2003, a comma has been added by amendment to separate the 4-carboxyamido group from piperazine.

15 With respect to claim 27, (item c) of the October 29, 2003 Advisory Action, species xxii and xxiii recite "4-methylphenylsulfonyl" which is equivalent to "tosyl" in claim 26. Thus, the requisite antecedent basis is present.

In claim 27, species xxvii has been amended to read "cyanomethylamino". With this spelling correction, the claim now reads correctly.

20 With respect to item d) of the September 17, 2003 Advisory Action, Applicants have now deleted the actual compounds which were misspelled. This appears at page 5, lines 15-20 of the specification.

It is respectfully submitted that the variable R<sub>5</sub> added to the structural formula (I) in the specification is supported in the published PCT application at page 1, lines 2-5.

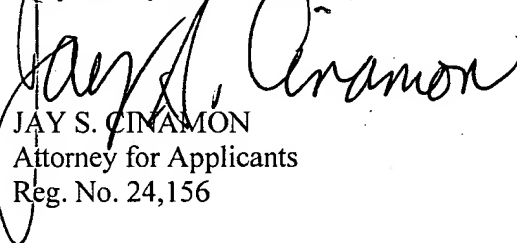
It is respectfully submitted that the foregoing amendments to the claims and to the specification serve to overcome the final rejection of April 29, 2003 of claims 21-26, 28-30, 32 and 33 under §112 and the objection to claims 27 and 31. Accordingly, it is respectfully requested that the rejection be withdrawn.

5 The issuance of a Notice of Allowance is respectfully solicited.

Please charge any fees which may be due and which have not been submitted herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

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